THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22208 OF 2005

DATED:7.10.2005

Between:

P.Gomathi

…Petitioner

And

The Municipal Commissioner

Kurnool Municipal Corporation

Kurnool

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22208 OF 2005

ORDER:

The petitioner claims to be owner of house bearing No.87/1012, Balaji Colony, Kurnool. She alleges that on 5.10.2005 one person from the office of the respondent came to the petitioner's house and marked a part of the house with a view to demolish the same for the purpose of road widening. Therefore, she filed the Writ Petition seeking a declaration that the action of the respondent Corporation in making all preparations for demolishing the petitioner's house is illegal and arbitrary.

The affidavit accompanying the Writ Petition does not contain factual foundation except anxiety of the petitioner out of apprehension that her house will be demolished without proper notice. This Court has repeatedly held that Municipal

Corporation can initiate proceedings under Section 146 of the Hyderabad Municipal Corporation Act, 1955 (for short, the Act) to negotiate with the owners of the land whenever the land is required for road widening. In the event of such owner not giving consent, necessarily, the Municipal Corporation has to initiate action under Section 147 of the Act and acquire the land for road widening in accordance with the provisions of the Land Acquisition Act, 1894. In this case, the petitioner is not able to show that the respondent Corporation is bent upon violating the law. Therefore, no direction as prayed can be granted.

The Writ Petition with the above observations is accordingly disposed of.

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(V.V.S.RAO, J)

7.10.2005

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